UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 June 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

In view of the Appeal Brief filed on 6/22/2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35

U.S.C. 112:

> The specification shall contain a written description of the invention, and
> of the manner and process of making and using it, in such full, clear,
> concise, and exact terms as to enable any person skilled in the art to
> which it pertains, or with which it is most nearly connected, to make and
> use the same and shall set forth the best mode contemplated by the inventor
> of carrying out his invention.

1.   Claims 1-7, 17 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the enablement requirement.

The claim(s) contains subject matter which was not described in

the specification in such a way as to enable one skilled in the

art to which it pertains, or with which it is most nearly

connected, to make and/or use the invention.

Regarding claims 1, 3, 17, the Examiner acknowledges that

resource adapters are described on pages 5-6 and figures 2A and

2B of the specification, however the resource adapters are not

well defined. The Examiner assumes based on the pages 5-6 of

the specification that resource adapter is a class used in

objected oriented programming of the invention which provides

for a uniform interface to access application programming

interfaces of resources. It is unclear however, how this is

accomplished.

Claims 2, 4-7 are rejected because of their dependency to

the rejected claims.

The following is a quotation of the second paragraph

of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly
> pointing out and distinctly claiming the subject matter which the applicant
> regards as his invention.

2.   Claims 1-17 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point

out and distinctly claim the subject matter which applicant

regards as the invention.

Claims 1,3,8,12,17 recite the limitation "Bid Manager".

There is insufficient antecedent basis for this limitation in

the claim. "said bid manager" should be "said bid manager

agent".

Claim 1 recites the limitation "one of the resource

adapters being a caching adapter for maintaining cached bids" in

line 12. It is unclear how the caching adapter is a resource

adapter providing a uniform interface to access APIs of

resources. The caching adapter as defined by the applicant on

page 6 of the specification, refers to storing bids in a cache.

There is no mention of resource adapters.

Claims 2, 4-7, 9-11, 13-16 are rejected because of their

dependency to the rejected claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine,
> manufacture, or composition of matter, or any new and useful improvement
> thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

3.   Claims 1-7 are rejected under 35 U.S.C. 101 because

the claimed invention is directed to non-statutory subject

matter.   Although the applicant is claiming a system in claims

1-7, the claims are directed to software per se.   For example,

pages 4-5 of the specification define classes used in object

oriented programs such as C++.   Computer programs claimed as

computer listings per se, i.e., the descriptions or expressions

of the programs, are not physical "things." They are neither

computer components nor statutory processes, as they are not

"acts" being performed. Such claimed computer programs do not

define any structural and functional interrelationships between

the computer program and other claimed elements of a computer

which permit the computer program's functionality to be

realized.-see MPEP §2106 IV B 1(a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

4.   Claims 1-17 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Johnson(U.S. Patent No. 6,005,925) in

view of Yee (U.S. Patent No. 6,738,975) in view of Baindur (U.S.

Patent No. 6,073,176) in further view of Kou (U.S Patent No.

6,363,365).

For examination purposes the Examiner is interpreting

resource adapters to mean providing for a uniform interface to

access application programming interfaces of resources and a

caching adapter to mean storage of bid values using cache

memory.

Re claim 1: Johnson disclose a bid manager agent for

issuing a call for bids for usage of said resources, receiving

said bids and selecting a best bid from among said bids, wherein

each of said bids defines a predetermined context -see (bidding

moderator, carriers)-see col. 3;

a plurality of bidder agents for issuing said bids according to predetermined bidding policies in response to said call for bids ("carriers may submit bids)-see col. 3 lines 53-67;

Johnson does not specifically disclose a plurality of resource adapters for providing a uniform interface to access application program interfaces of said resources. Yee teaches ("On the one hand, the adapter half of each agent-adapter 200 uses the API of its particular application resource, or any other published interface mechanism...the agent and adapter mediate the differences in interface protocols and data structures, providing a uniform normalized view of the business events that they publish and consume...")-see col. 27 lines 13-39,figs. 4(a) and 4(b). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Johnson to include an adapter in order to transform the data from one application so it can be used by other application.

Although Johnson disclose "The Moderator 1 receives the bids, processes them in its processor to produce carrier selection data, and enters both into a database in its memory by means of the data buses and registers internal to a computer...")-

see col. 6 lines 35-51. Johnson and Yee do not specifically

disclose issuing said cached bids to said bid manager instead of

requiring said predetermined bidder agents to issue said bid,

and a no-caching adapter for receiving from said bid manager

said call for bids, re-issuing said call for bids to ones of

said bidder agents other than said predetermined bidder agents,

receiving said bids from said ones of said bidder agents other

than said predetermined bidder agents and sending said bids to

said bid manager.   Baindur however, teaches ("a seed bid

generally defines as one of the following Default: Only bid for

a local call… default base value… Offload: Stack member bids for

MLP bundle at all times…manual override: the stack member bids a

user provided manual override, Forward-only: Do not bid for any

bundle…")-see col. 16 line 66-col. 17 line 26. It would have

been obvious to one having ordinary skill in the art at the time

the invention was made to modify Johnson and Yee to include

maintaining a default bid in memory to be used if desired by the

bidder in order to provide the bidder with various bidding

options according to the bidder's capacity to process the event

efficiently.

Johnson, Yee, and Baindur do not explicitly disclose using

cache to store bids. Kou however teaches bid cache-see figure 1

and col. 5 lines 65-67. It would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify Johnson, Yee and Baindur to include using cache memory to store bids in order to quickly access the stored bid information.

Re claim 2: Johnson disclose updating bids in response to new contexts of said bids -see col. 10 lines 36-38. Although Johnson teaches that the bids are stored in memory by means of data buses, and registers internal to a computer-see col. 6 lines 35-38. Johnson, Yee, and Baindur does not specifically indicate that the bids are cached. Kou however teaches bid cache-see figure 1 and col. 5 lines 65-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Johnson, Yee and Baindur to include using cache memory to store bids in order to quickly access the stored bid information.

Re claim 3: For purpose of examination, the Examiner is interpreting claim 3 to mean the bid manager agent selects the best bid by sorting according to decreasing values of said bids and selecting a first available one of said bidder agents. Johnson teaches ("The Moderator collects this bid information from all the Carriers, sorts it among originating points.-see col. 1 lines 61-63. Johnson do not specifically disclose

sorting bids according to decreasing values. Official notice is taken that it is old and well known in the art of online auctions that sorting bid values according to decreasing value is old and well known. For example, in a reverse auction, a service provider will bid on a service such as airline tickets and the bids are sorted so that the least expensive price is displayed to the buyer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Johnson, Yee, Baindur, and Kou to include sorting bids according to decreasing values as is old and well know in the art of online auctions in order to provide the buyer with the best price for a service.

Re claim 4: Johnson, Yee, and Kou do not specifically disclose wherein each said content is defined by a discrete parameter value. Baindur however, teaches dynamic weighting criteria of bids.-see Abstract and col. 15 line 51-col. 16 line 12. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Johnson, Yee and Kou to include providing a weight to represent a bid as is taught by Baindur in order to represent the capacity of the bidder to efficiently process the event.

Re claim 5: Johnson teaches a bidder agent sends a notification message to said bid manager agent in the event of

any changes to its bidding policies, in response to which said

bid manager agent updates said caching adapter. -see col. 4 line

29-col. 5 line 29.

Re claim 6: Johnson disclose wherein bidding policies are

stored via said caching adapter as entries in a table and said

bid manager agent updates individual ones of said cached bids to

reflect said changes in bidding policies. ("The manager keeps

track of each carrier's charges and populates the routing

table in the "least cost routing" software.")-see col. 1 lines

17-24 ("From the list of all Carriers providing bid information

to the Moderator, each Subscriber can select those Carriers to

which it wants traffic routed and can change that selection at

any time. The Subscriber downloads the bid information and/or

carrier selection information of those selected Carriers

into the routing tables in its switch. ")-see col. 5 lines 7-19.

col.6 line 66-col. 7 line 25

Re claim 7: Johnson disclose wherein said bidding policies

are stored via said caching adapter as general rules and said

bid manager agent clears all of said cached bids.-see col. 12

lines 4-38.

Re claims 8-16: Further a method would have been necessary

to perform the method of previously rejected claims 1-7 and are

therefore rejected using the same art and rationale.

Re claim 17: Further an apparatus would have been necessary to perform the method of previously rejected claims 1-7 and are therefore rejected using the same art and rationale.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,415,270 (Rackson et al.) -cited for is reference to a multi-auction system including bid parameters.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Thursday 8:30 am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

* * *

HYUNG SOUGH

SUPERVISORY PAT   ER

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